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Book Review

Truth, Politics, Morality, by Cheryl Misak. New York and London: Routledge, 2000, 182 pp.

Cheryl Misak's Peircean Pragmatism

The pragmatist tries to make sense of the idea that our concepts, standards of inquiry, and our conceptions of ourselves and the world are conditioned by the fact that we are cultural and social animals in the natural world. But she does so without giving up a robust conception of objectivity and without dumping everything into a sea of post-modern incommensurable standpoints and irreconcilable differences of value.¹

Misak's Fallibilist Cognitivism

In *Truth, Politics, Morality*, Cheryl Misak claims that her cognitivist version of pragmatism provides the better philosophical reply to National Socialist apologist, Carl Schmitt.² Her pragmatism provides a more adequate reply to Schmitt, Misak argues, than the replies which are available either to fellow-pragmatist Richard Rorty or to transcendentalist Karl-Otto Apel.

Like another Peircean, Susan Haack,³ Misak works at rescuing pragmatism from Rorty, by providing an "entirely general pragmatist epistemology,"⁴ as opposed to Rorty's postmodernist status-quo-mired "council of despair,"⁵ which avoids talk of truth altogether.⁶ But, while recommending cognitivism, Misak will not go so far as to say that *she* knows of transcendental factors which comprise moral discourse. Among the reasons for rejecting a transcendental account is that moral discourse remains open to challenges, both at the first-order and at the metaethical level.

Misak's Critique of Rorty

Rorty's neo-pragmatism abandons the project of moral justification outside of the banding together of those whose moral sensibilities happen to overlap. Rorty locates moral authority in the contingency of present communal agreement, with no theoretical strings attached.

Misak provides an alternative pragmatic point of view when she analyzes moral inquiry in terms of thick ongoing discourse. She argues that moral discourse is already fairly well-developed, clearly truth apt, phenomenologically rich, and comparable in its aims and methods to the aims and methods of the inquiries that we find in science and in mathematics. In a series of dense discussions in the middle chapter of her book, she stumps for the philosophical relevance of everything from Tarski's T-schema to superassertability and holism. This part of the book

sometimes reads more like dissertation material than more mature work, but is indicative of her commitment to bringing analytical theories to bear on her account.

As for splitting the difference between Rorty and Apel, on the side of critique, Misak is particularly troubled that Rorty's view falls easily into line with Schmittean views which limit the domain of moral discourse to existing communal preferences, and thus interpret morality as simply given over to factors like will and power. On a view like Misak's, some preferences, e.g., fascist preferences, simply aren't allowed to have continued moral weight once we understand their lack of openness to experience and logic. "Experience" here can be glossed as the experience of outsiders like Jews in Nazi Germany. And "logic" here can be glossed as reliable truth conducive relations between premises and conclusions in moral reasoning...in *all* kinds of reasoning (as we learn from the middle part of her book.)

Once he is clearly understood, the Nazi is not to be taken as further contributing to our moral discourse. He is excluded from sitting at the table as a full participant when moral issues are discussed, though we can learn about him. We may explain his mistaken views on social-psychological grounds. He and his have been served poorly, perhaps, by the government under which they lived.

Unlike Schmitt, Rorty escapes from being found unsuitable to continue as a partner in conversation. Rorty is a fellow pragmatic inquirer. The metaethical inadequacies of his view, however, severely marginalize its usefulness in comparative moral discourse. Apel would also continue to be seated at the table-of-moral-inquirers as a serious fellow-inquirer, albeit one whose metaethics would alienate the pragmatist from her fallibilist project.

The argument against Rorty that I find most interesting is an important and powerful one. Rorty's emphasis on contingency all-the-way-down allows for a disturbing sociological/psychological lowest-common-denominator account to be shared by both him and Schmitt. Rorty and Schmitt argue for the relevance of only the beliefs/preferences of existing communities, and Schmitteans would plausibly predict the domination of "strong" communities over literature-based communities with an ironic sense of their own contingency when it comes to acting decisively,⁷ and maybe when it comes to acting at all.⁸ Schmitt, Misak tells us, chillingly posits "'the real possibility of physical killing...the existential negation of the enemy'" as an option for the "strong" community when it conflicts with "weak" communities: "All that disappears is a weak people."²

Misak is keen to show that there are options available to the non-Rortyeen pragmatist that don't so easily fall into metaethical line with uncritically sociological/descriptive rivals like Schmitt's. If she, as a pragmatist, could not argue against Schmitt more effectively than can Rorty, if she could not expand the pragmatist's account of grounded moral community beyond Rorty's invisible-hand literary account,¹⁰ pragmatism would cease to be an attractive philosophical option for those who look for practically effective and well-pursued philosophical arguments against fascism. Pragmatism would cease to be an attractive option for anyone interested in pursuing a philosophy of morals that takes our present substantial moral discourse at face value. Or that takes philosophy seriously.

In her defense of a more substantial pragmatism, Misak opts for an internalist version of moral

cognitivism, unpacking existing moral discourse as being both substantively rich in its content and formally "truth apt," particularly when it deals with thick moral concepts like brutality. It helps here to think of the discourse we find in the minutes of the South African Truth and Reconciliation Commission, reports of the use of rape as a weapon of war in Bosnia, or in the transcript of judicial hearings concerning serious and well-supported charges of child abuse. When we engage in serious first order moral discussions like these, there is little doubt that we take ourselves to be arguing for the truth of our moral conclusions. Unlike some of her peers, Misak is reluctant to be revisionary about strong ordinary convictions concerning truth-aptness.

Thick discourses of the type mentioned above reveal practical urgency, sensitivity to the experience of others, and a commitment to working through difficult problems in a manner that satisfactorily reflects both a commitment to correcting moral wrongs as well as a recognition of the likely wrongness of status quo norms. So, Misak is not reluctant to question ordinary convictions regarding the legitimacy of comfortable status quo practices while nonetheless hewing to ordinary convictions about truth.

Misak emphasizes the truth-aptness and reframing capacities of existing moral discourse. She views both its first-order content and her second-order account of it as primary allies against Rorty, and, as we will see, against Apel as well.

Misak's Contextualizing Move Against Apel

Like Apel, and unlike Rorty, Misak does not shy away from metaethics. Misak recommends second order rules of thumb for interpreting moral inquiry throughout her book. Misak's rules indicate a focus on openness (a Rortyeian virtue) as well as formal adequacy (a virtue of Apel's).

Some pragmatic rules of thumb that indicate the openness of Misak's view are that: (1) Judges inevitably and properly bring their perspectives to issues raised. And though we each bring our own perspective to any case or controversy, we can systematically work to eliminate bias, by including the experiences of others and by using data and evidence. Another way to question our biases is to recognize that claims of injustice sometimes seem initially unintuitive, particularly in a pluralistic world. (2) So, we have to recognize that in certain circumstances, particularly when we ourselves are being accused of injustice, there will be a tendency to find little truth in the initial accusation.¹¹ (3) These realizations are the beginning of inquiry, and not its end.

Like Apel, Misak recommends formal metaethical constraints on morality. Some examples of formal regulative constraints on moral inquiry are: (1) In seeking to account for morality by tracing the curve of moral discourse towards a cognitively ideal (true) end, and by insisting that agents take their beliefs to be bivalent (true or false but not both or neither), Misak is more like Habermas and Apel than like Rorty and Schmitt. (2) In distinguishing between perspective and bias, Misak distances herself further from Rorty, by embracing perspective while insisting that the avoidance of bias is both possible and desirable. She can make sense of the idea of moral progress without collapsing everything into first order agreement.

And there are commonalities among all three. By sifting through the phenomenology of moral discourse, and detailing with whom we agree and why, Misak locates the truth of moral discourse in real life action-guiding contexts, like both Rorty and Apel. Combining the gripping, sometimes

wrenching, phenomenology of moral discourse with the cognitive commitments of those engaged in it, Misak takes morals seriously without reifying existing moral practices, perhaps falling between Rorty and Apel.

Misak's metaethics is thinner than Apel's because, for her, agents simply aim at ethical beliefs which do not disappoint them in life. Agents do not typically aim at being rational in the full sense implied by communicative-action theory.¹² And Misak does not construe morality as being truth apt for purely formal or "necessary" reasons. We discover the truth aptness of such inquiry by engaging it, by saying what we practice and by practicing what we say. It is a truism that moral discourse has taken the shape that it has through our contingent history of first-order moral inquiry. It is not a truism that the shape it now takes is one indicating our preference for having true beliefs which do not disappoint us, rather than aiming at abstract rationality in the moral domain, contrary to Apel's arguments (and contrary to decision-theoretic views generally). That moral discourse aims at true beliefs can be seen by the way agents offer reasons for and against their favored conclusions.

Apel's argument is that when we engage with others in practical reasoning we "logically" commit ourselves to a discourse with constitutive rules. Apel moves from his understanding of everyday moral discourse through to a series of strong claims about the rationally necessary conditions of that discourse. Misak does not object to substantial metaethics, but she questions how much we can infer about the necessary conditions of all moral discourse, since moral discourse remains open to recalcitrant experience, to deeply different views about what is true or good. Its history is probably an unpredictable and herky-jerky one.

On Apel's view, as construed by Misak, once we engage others in moral discourse, we are also performatively committed to the others' equality as participants in mutual dialogue. Any social norms reached in practical discourse are valid "only if all who might be affected by it reach (or could reach), *as participants in a practical discourse*, agreement that is valid."¹³ If one excludes others, that person is reduced to silence, much as persons who fail to follow the fundamental rules of any language game fail to engage.

So Apel's argument against Schmitt isolates Schmitt from all those who engage in moral inquiry by condemning him to silence, much as Wittgenstein once tried to silence the Cartesian speaker of private language. To take Schmitt's route, to "negate" (kill) people who are opposed to the strong community, is inconsistent with the status conferred on those persons by the reciprocity of communication. The national socialist "negation" of others is inconsistent with the rational commitments embedded in the activity of engaging in moral discourse.

Misak thinks that her view is likely to be more persuasive to contemporary thinkers than Apel's because it avoids the assumption of fixed and necessary conditions with regard to all moral communication. She thinks that her version of contingency, where communities of inquiry who are engaged in serious moral discourse aim at finding truth in thick contexts, is more plausible than Apel's transcendental exclusion of outliers like Schmitt. This is partly because of Misak's skepticism about moral discourse being closed within *a priori* theory.

Schmitt and Apel share an interesting aversion to the openness of moral discourse. Schmitt can sit at the table and speak to us but we needn't take him seriously once he makes it clear that he shifts

grounds from sociological/descriptive claims to philosophical/normative claims, taking refuge in whichever set of claims insulates his view from critical improvement. The common ground shared by Schmitt and Apel is, ironically, anti-pragmatic dogmatism, or being closed to recalcitrant experience.

Misak's own characterization of truth in discourse is conditional and extra-epistemological, but nonetheless keeps us focused on improving what we now think, by using standards internal to our thinking. She says that truth in all forms of discourse is the result of an inquiry which *could not* be improved upon (whether or not we are ever in position to know that we've "arrived").

Misak Between Rorty and Apel?

Unlike Rorty, and like Apel, Misak wants to be able to mount a strong intellectual line of attack on Schmitt. One reason Misak is concerned to find a strong line of attack, is that National Socialism was recommended as the appropriate moral/political status quo by the advocates of the Third Reich, and is still a viable moral proposal according to present day National Socialists. National socialism is thus a framing theme in some communities' thick version of moral-political discourse.

Unlike Apel, and like Rorty, Misak does not believe that we have access to necessary conditions on discourse that would rule the National Socialist out of bounds on transcendental grounds, that would so isolate him that he would suffer a "social death" by being unable to communicate with socially significant others. Unlike Apel, Misak relies on the norms expressed and shared in actual moral discourse to point to ideal goals at which that discourse aims, *without* committing herself to telling everyone ahead of time the conditions under which they must necessarily conduct their moral inquiries.¹⁴

But this does not prevent her from ruling certain points of view to be out-of-bounds, once their content is made clear. She believes that her account is sufficiently substantial to rule Schmittian premises out-of-bounds without having to go transcendental herself in order to accomplish this goal.

Once understood, Schmitt cannot be taken seriously as an equal or full participant in moral discourse. This is not because he has violated the necessary conditions for participating in the moral language-game. It is because, having listened to him, we find that his views are closed to the justice claims of marginalized groups, and he goes well beyond failing to take the experience of others seriously. He actually recommends brutality towards groups of people as a policy. Schmitt's views have no moral standing because they attract adherents to exclusion and brutality rather than the opposite. And he is not open to discovering that his views are false, just that they didn't win out this time. If the aim of well-pursued moral discourse is moral progress, Schmitt's views recognizably aim the opposite way, and also obscure the idea of progress itself. Misak says:

Given the tremendous similarity in human response to suffering, to kindness, to affection, there seems no obstacle in principle to having the experience of an outsider be relevant to a group.¹⁵

Where there is strong dissimilarity, where we are taking the experience of the mentally disabled, for

instance, we must represent their interests as best we can, and include their well-being in our policies.

And in terms of general moral pursuit, moral inquiry is aimed at truth or it is not. If it is, then Schmitt has not adduced the kind of reasons that will allow us to learn from him, to make the world a better place. If he does not accept the claim that moral inquiry is aimed at truth, then he'll have to forgo giving reasons for his views as though he is arguing for their truth. If he then is openly and self-consciously inconsistent, if he argues after cutting the ground out from underneath offering justification for his preferred conclusions, he betrays an absence of the sort of sensibility which allows us to make progress on issues like the inclusion of marginalized persons.

In the end, in the case of the most obstreperous fascist, one with blinders on, maybe we can only give ourselves these kinds of reasons, within our sensibilities, for rejecting Schmitt.¹⁶ If he understands, his fascist supporters are not likely to. But inability to persuade fanatics is not equivalent to taking their view to be a worthy explanatory rival. And the decision to talk or not to talk with someone who holds a dogmatic and racist point of view will depend on contextual factors that don't allow ruling out either option *ex ante*.

Does Misak Succeed in Her Arguments?

Misak's account depends on the truth aptness of moral discourse, and the distinction between first order inquiry and our second-order theories about that inquiry. It depends on the relative importance of getting our metaethical view roughly right in terms of issues like assertability, cognitivism, and fallibility. It also depends on our acceptance of her account of objectivity, and the acceptance of the end of inquiry as the production of inquiry which cannot be improved upon.

A Rortyan friend of mine reacts to Misak by saying that "She doesn't really pull it off," preferring to replace her "metaphysical" talk of moral truth with talk of justification in terms of wide reflective equilibrium. And Rorty himself could argue that Misak's cognitivism and her distinction between first and second order theory are all well and good within the present-day language community of philosophers. But *both* critics would emphasize the question "Is our world a better place because of Misak's Peircean theory?"

For most philosophers, being a "better place" might well include being an intellectually clearer place, a more reasonable place, a better explained or understood place. This is so even if "truth" and "morals" are both contested concepts. Providing a general account of truth or even of moral truth is a complex task, one where disagreement will not be fully settled by *any* philosophical argument. This appears to be just the sort of area where a new and carefully-worked-out account could flourish. My Rortyan friend, who may have already given away too much to high theory by appealing to wide reflective equilibrium, is already engaged in Misak's form of pragmatism. Wide reflective equilibrium has, as a core component, the idea that we must be careful about what conclusions follow from which premises. Logic, with its clearly spelled out account of truth, validity and soundness is our best second-order account of that. And here, an understanding of theory does inform use. From an aesthetic point of view, Misak's account also does a better job of providing a theoretically unified pragmatic account than views which deliberately eschew most philosophical distinctions, and hers is thus the "better" view virtually by default within the community of philosophical inquirers. In closing I'll offer an analogy: I'm not sure if Misak will

do for new-millennium pragmatism what Rawls did for anti-utilitarian social philosophy, but original philosophical accounts are never powerful or useful for non-ironic purposes unless they are theoretically informed, unless they respect the hard-won results gained by the community of philosophical inquirers by digging deep for resources within the field.

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Notes

1. Cheryl Misak, *Truth, Politics, Morality*, (Routledge, 2000), p. 4.
2. Colleagues in political science tell me that there's a lot more to Schmitt than being a foil for views like Misak's. And Misak says that "Schmitt's own concern with argument and justification led to his eventual falling out with the Nazis." (Misak, 147)
3. See Haack's, *Evidence and Inquiry*, (Blackwell, 1993) where Peirce's notion of asymptotically approaching truth is replaced by an analogy to filling in an elaborate crossword puzzle. Misak replaces Peirce's criterion with the idea of an inquiry "upon which we could not improve."
4. Misak, p. 102.
5. Misak, p. 17.
6. Misak lumps Rawls with Rorty on the issue of truth-avoidance, a mistake which goes beyond the scope of this review.
7. Charles McCracken has argued that important philosophers in our canon (Plato, Aristotle, Descartes, Leibniz, Locke, Kant, Hume) are intellectually important because of the subtle, ingenious, and highly theoretical content of their arguments. Such is not the practical stuff of the domination of others. Schmitt, on this account, is the apotheosis of the philosopher.
8. And this is part of the delicious irony of Rorty's argument for a return to the leftist activism of the early twentieth century in books like *Achieving Our Country*. His thin theory won't provide the motivation that drives people to act for social good in risky circumstances.
9. Misak, p.11.
10. On Rorty's view, if we read the right books, we would move towards solidarity, much as Adam Smith's invisible hand moves individuals acting in self interest towards general good. Though it can't hurt to be familiar with humane letters, other frameworks (e.g., Amartya Sen's), and other theories of literature (e.g., Martha Nussbaum's), provide better guides to social policy.
11. Misak, p. 135.
12. And it's not clear what Misak would make of the unmasking function found in preference maximizing or evolutionary accounts (that imply an underlying, often hidden, "rationality") of the sort discussed in Elizabeth Anderson's "Beyond Homo Economicus: New Developments in

Theories of Social Norms”, (*Philosophy and Public Affairs*, 29, number 2). These theories could fit into Misak's metatheory, so long as we can use them to better understand what we're doing in practical terms.

13. Misak, 43.

14. Except to insist on both truth aptness and avoidance of inconsistency.

15. Misak, 148.

16. Misak, 147.

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